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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

JEFFREY MARTIN BELLUCCI,)	Case No.: 2:20-cv-01684-JDP
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	FOR THE AWARD OF ATTORNEY'S FEES
vs.)	AND COSTS PURSUANT TO THE EQUAL
)	ACCESS TO JUSTICE ACT, 28 U.S.C. §
KILOLO KIJAKAZI, Acting Commissioner of)	2412(D)
Social Security,)	
)	
Defendant.)	
)	
)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of eleven thousand dollars (\$11,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d); 1920. The parties further stipulate that Plaintiff shall be reimbursed his filing fee herein of Four Hundred Dollars (\$400.00).

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After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any assignment of EAJA fees to David J. Linden. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made directly to David J. Linden, pursuant to any assignment executed by Plaintiff. Any payments made shall be delivered to David J. Linden.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant. This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Dated: December 16, 2022

/s/ David J. Linden
DAVID J. LINDEN
Attorney for Plaintiff

Dated: December 16, 2022

PHILLIP A. TALBERT
United States Attorney

By /s/ Oscar Gonzalez de Llano
OSCAR GONZALEZ de LLANO
(as authorized by email on 12/16/2022)
Special Assistant US Attorney
Attorneys for Defendant

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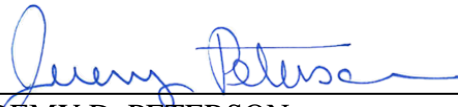
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ORDER

PURSUANT TO STIPULATION,

IT IS SO ORDERED.

Dated: December 20, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE